IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)			
	Plaintiff,) 8:11CR306)	
	vs.) DETENTION ORDER	
FR	ANK DEES, JR.,		
	Defendant.)	
A.	Order For Detention After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act on September 6, 2011, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).		
B.	 Statement Of Reasons For The Detention The Court orders the defendant's detention because it finds: X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required. X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community. 		
C.	distribute methamphetar 846 carries a minimum s maximum of forty years (b) The offense is a crime o (c) The offense involves a n	and includes the following: the offense charged: ty to distribute and possess with intent to mine (Count I) in violation of 21 U.S.C. § the sentence of five years imprisonment and a timprisonment. If violence.	
	may affect whet The defendant h X The defendant h X The defendant h The defendant h The defendant h ties. Past conduct of X The defendant h The defendant h The defendant h The defendant h	of the defendant including: appears to have a mental condition which her the defendant will appear. has no family ties in the area. has no full-time employment. has no substantial financial resources. Is not a long time resident of the community. does not have any significant community the defendant: has a history relating to drug abuse. has a history relating to alcohol abuse. has a significant prior criminal record. has a prior record of failure to appear at	

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(b) At t	he time of the current arrest, the defendant was on: Probation
	Parole Release pending trial, sentence, appeal or completion of sentence.
(c) Oth	er Factors: The defendant is an illegal alien and is subject to deportation.
	The defendant is a legal alien and will be subject to deportation if convicted.
X	 The Bureau of Immigration and Custom Enforcement (BICE) has placed a detainer with the U.S. Marshal. Other: There is an outstanding arrest warrant for the defendant from the State of California for violation of probation.
release ar	re and seriousness of the danger posed by the defendant's e as follows: The nature of the charges in the Indictment and the 's substance abuse and criminal history.
X (5) Rebuttable Presumptions	
on the fo 3142(e) w <u>X</u> (a) Tha	ning that the defendant should be detained, the Court also relied llowing rebuttable presumption(s) contained in 18 U.S.C. § hich the Court finds the defendant has not rebutted: at no condition or combination of conditions will reasonably the appearance of the defendant as required and the sefety.
of a	ure the appearance of the defendant as required and the safety ny other person and the community because the Court finds that
the	crime involves: (1) A crime of violence; or
	(2) An offense for which the maximum penalty is life
_X	imprisonment or death; or (3) A controlled substance violation which has a maximum
	penalty of 10 years or more; or
	(4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3)
	above, <u>and</u> the defendant has a prior conviction for
	one of the crimes mentioned in (1) through (3) above which is less than five years old and which was
	committed while the defendant was on pretrial release.
	at no condition or combination of conditions will reasonably ure the appearance of the defendant as required and the safety
	he community because the Court finds that there is probable
cau	se to believe:
_X	(1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more.
	(2) That the defendant has committed an offense under 18
	U.S.C. § 924(c) (uses or carries a firearm during and in relation to any crime of violence, including a crime of
	violence, which provides for an enhanced punishment
	if committed by the use of a deadly or dangerous weapon or device).

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D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

- The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: September 6, 2011. BY THE COURT:

s/Thomas D. Thalken

United States Magistrate Judge